

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

IN RE: BLUE CROSS BLUE SHIELD  
ANTITRUST LITIGATION  
(MDL No.: 2406)

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Master File No.: 2:13-CV-20000-RDP

This document relates to all cases.

**APPLICATION OF CHRIS COWAN FOR PLAINTIFFS’  
LEADERSHIP COMMITTEE POSITIONS – SUBSCRIBERS**

Chris Cowan of Dallas, Texas submits his application for membership on the Subscribers’ Class Action Discovery Committee and/or Damages Committee. Alternatively, I am willing to serve in another committee member capacity where the Court may find a need to fill a seat, as I desire to stay active and involved in this litigation.

**BCBS CASES**

I am counsel for three similar subscriber class action cases in three separate states – Texas, Oklahoma, and California. The *Watts, et al.* matter was initially filed in the Northern District of Texas – Dallas and transferred here (N.D. AL. Case No. 2:12-CV-4180).

I also filed an Oklahoma state court case (No. CJ – 2013 – 17), in the District Court of Logan County, Oklahoma, *Clint Johnston, Janeen Goodin and Marla Sharp, as Individuals and as representatives of those similarly situated v. Blue Cross and Blue Shield of Oklahoma, Health Care Service Corporation, Blue Cross Blue Shield Association, HCSC Insurance Services Company, GHS Property and Casualty Insurance Company, GHS Health Maintenance Organization, Inc. d/b/a Bluelincs HMO.*

The Oklahoma case was removed March 27 to the U.S. District Court Western District of Oklahoma, Case Number: 5:13-CV-00294-D. Transfer to this Court is anticipated given the Conditional Transfer Order (CTO-9) entered as document 193 on the docket of this MDL on April 2, 2013. The Oklahoma *Johnston* subscriber Plaintiffs do not oppose transfer.

I am also preparing a *pro hac vice* application for admission in a recent California subscriber class action state court filing on March 29 with similar allegations filed under the Cartwright Act, §§16720, *et seq.*, of the California Business and Professions Code. The Cartwright Act is the primary California state antitrust law prohibiting anti-competitive activity. It generally mirrors the Sherman Antitrust Act and the Clayton Antitrust Act, prohibiting any agreements among competitors to restrain trade, fix prices, or lessen competition. The action is case number BC-504431, in the Superior Court of California – County of Los Angeles, *Judy Sheridan v. Blue Cross of California; Blue Cross of Southern California; Blue Cross of Northern California; Anthem Blue Cross Life and Health Insurance Company; Blue Cross of California Partnership Plan, Inc.; Blue Shield of California Life & Health Insurance Company; Anthem Life Insurance Company; Blue Cross Blue Shield Association; Wellpoint, Inc.; the Wellpoint Companies of California, Inc.; the Wellpoint Companies, Inc.; Wellpoint California Services, Inc.; Wellpoint Behavioral Health, Inc.; California Physicians' Service; Blue Shield of California Life & Health Insurance Company; and Does 1 Through 100, inclusive.*

## **EXPERIENCE**

I received my *Juris Doctorate* in 1993 from Southern Methodist University School of Law, Dallas, Texas, as well as a *Bachelor of Business Administration* in 1989 from The University of Texas, Austin, Texas. With my BBA, I gained an understanding of competitive

environments free of excessive economic power and the potential for abuse monopoly power can confer, for instance, through exclusionary practices as alleged, in part, herein.

I am able to devote time and resources to this action. I have no pending major conflicts that will consume weeks or months time preventing devotion to the prosecution of this matter. I enjoy a select multi-state litigation practice primarily in the South and West with a heavy focus against many of the global Fortune 500 companies and some of the largest international companies as well, including large insurers. Given my docket of a small group of select cases, I am able to maintain case momentum and personal attention leading to some record recoveries. I do not overburden my docket nor assign the all-important case-preparation to inexperienced associates or contract attorneys. I am honored to receive case referrals from expert witnesses – who after working with counsel across the nation – have witnessed first-hand my dedication, preparation, and skill.

With respect to class action litigation, I represented a group objecting to certification in *St. Louis Southwestern Ry. Co. v. Voluntary Purchasing Groups, Inc.*, 929 S.W.2d 25 (Tex.App.-Texarkana, 1996, no writ). As to mass actions, I was the primary handling attorney responsible for discovery and the prosecution of thousands of claims involved in *In re Voluntary Purchasing Groups, Inc. Litigation*, 2000 WL 34226880, N.D.Tex., Feb 08, 2000; 2002 WL 32319044, N.D.Tex., Oct 25, 2002; 2002 WL 32302597, N.D.Tex., Dec 31, 2002; 2004 WL 86292, N.D.Tex., Jan 15, 2004.

Published works/continuing legal education presentations relevant to this type of complex litigation include “Managing, Summarizing and Key Worded Depositions,” Attorneys Information Exchange Group, Denver Colorado, August 7, 2000, as well as dealing with

confidential business secrets and sensitive discovery materials which will arise here with the paper, "Confidentiality Agreements – Issues Relating to Confidentiality Agreements in Settlement and Discovery," Texas State Bar Litigation Section Report, *The Advocate*, Volume 27, Summer 2004, pp. 52 - 59.

In addition to bar admissions in the States of Texas and Oklahoma, as well as most of their Federal District Courts, I was honored with membership in Dallas' Patrick E. Higginbotham American Inn of Court, and served on the Dallas Bar Association, House Committee and Dallas Volunteer Attorney Program, as well as the Texas Trial Lawyers Association, Board of Directors – Advocates.

### **COUNSEL AGREEMENTS**

Concerning disclosure of any and all agreements between myself and any other counsel in these consolidated cases related to the subject matter of these cases, I am joint-venturing these cases with Patrick W. Pendley, Esq., Pendley, Baudin & Coffin, LLP, 24110 Eden Street, Post Office Drawer 71, Plaquemine, Louisiana 70765; Telephone: (225) 687-6396 and Gordon Ball, 550 West Main St., No. 601, Knoxville, TN 37902 where we have fee and expense agreements. We are also co-counsel, sharing fees, and fronting expenses with our local Oklahoma counsel in the Oklahoma filing, *Johnston, et al. v. Blue Cross and Blue Shield of Oklahoma, et al.*, as well as the California state-court filing of *Sheridan v. Blue Cross of California*.

Respectfully submitted,

**THE COWAN LAW FIRM**

S/ R. Christopher Cowan

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have on Thursday, April 4, 2013, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

S/ R. Christopher Cowan

R. Christopher Cowan